

TASK FORCE RECOMMENDATIONS TO DATE (March 15, 2010)

This document reflects proposed amendments to the Scottsdale City Charter recommended by the Charter Review Task Force as of March 15, 2010.

On October 20, 2009, the City Council agreed with the Task Force's recommendations relating to election and initiatives in articles 2, 9, and 10, and agreed to forward them to the voters on March 9, 2010. All of these amendments were approved by the voters. These deletions are noted as strikethroughs, additions are capitalized and all changes are highlighted in green.

Recommendations from the Task Force, not yet approved by the City Council are highlighted in yellow. Deletions are noted as strikethroughs and additions are capitalized.

In preparation for final review by the Task Force of all recommendations not yet approved by the City Council, the City Attorney's Office has conducted a review and is suggesting minor wording and formatting changes. These are marked in blue.

Please note all changes require City Council review and approval, voter approval and the Governor's review and approval before taking effect.

In addition, on November 30, 2009, the Task Force agreed to suggest that the City Council consider whether changed circumstances warrant establishing a citizen committee to review the issues of districts and related issues which could include council salaries, board and commission appointments, and similar issues.

SUMMARY OF SIGNIFICANT CHARTER CHANGES RECOMMENDED TO DATE

ARTICLE 1 – POWERS AND DUTIES

1. Limit the use of condemnation (1.3.A)
2. Add “restoration of natural area open space” and “floodplain obstruction and flooding hazard” to the list of items for where assessments or liens are authorized (1.3.D)
3. Expand publication of public notices beyond newspapers, if authorized by law (1.3.E, 9.8)
4. Add provision of “parking” to list of responsibilities for new physical development (1.3.G)
5. Add the authority to adopt “character and community area plans” (1.3.I)
6. Prohibit requesting (Prop. 207) waivers of claims for diminution in value (1.3.O)
7. Add limitation on the use of public funds requiring a clearly identified public purpose, and receipt of direct consideration substantially equal to its expenditure (1.3.P)

ARTICLE 2. THE COUNCIL

8. Clarify the duties of the mayor to permit representing the council in intergovernmental relationships, present annual state of the city address, appointing Council members to committees, etc. (2.6.A)
9. Change “mayor pro tempore” to “vice mayor” (2.7)
10. Allow salaries of Mayor/Council to be set by ordinance (2.8)
11. Clarify the process for petitioning or addressing the Council (2.16)
12. Clarify the council’s interactions with and discussions about city employees, and provide an exemption for mayor/council staff (2.17)
13. Delete section relating to internal auditor, and move to Article 3 (2.20).
14. Suggest that the City Council consider whether changed circumstances warrant establishing a citizen committee to review the issues of districts and related issues which could include council salaries, board and commission appointments, and similar issues.

ARTICLE 3 – OFFICERS OF THE CITY

15. Change title of article from “The City Manager” to “Officers of the City” (3)
16. Require Council to appoint city manager, city treasurer, city clerk, city attorney, and city auditor as “officers of the city” (3.1)
17. Clarify that Council sets compensation for all officers of the city, that all officers report directly to the council, and that all officers serve at the pleasure of the council (3.1)
18. Clarify that each officer has authority to appoint and remove employees in their offices (3.1)
19. Require all officers of the city to become city residents within six months (3.1)
20. Council to approve appointment of acting officers in the event of absence or other contingencies (3.1)
21. Allow officers to request, within 10 days of a vote of removal, a public hearing (3.1)
22. Clarify that city manager is responsible to the council for administration of all affairs of the city, “not otherwise assigned to another officer.” (3.2)
23. Eliminate surety bond requirements since city-provided crime insurance policy eliminates the need for surety bonds (3.3, 3.4)
24. State that City Treasurer shall be the chief financial officer of the city, and also shall prepare the official financial and accounting records of the city (3.4)
25. Add new section on the City Auditor clarifying the authority of the auditor, the applicability of government auditing standards, and providing for free and open access to carry out duties (3.6)

ARTICLE 4: ADMINISTRATIVE DEPARTMENTS AND OFFICES

- 26. Delete provision relating to Council's ability to combine two or more officer positions (4.1)
- 27. Delete section relating to civil service system/board (4.5) and move it to Article 5, relating to boards and commissions

ARTICLE 5, BOARDS AND COMMISSIONS

- 28. Eliminate mayor/city manager as ex officio members of all boards/commissions (5.2)
- 29. Add revised Civil Service Board section (moved from 4.5) (5.2)

ARTICLE 6, FINANCE AND TAXATION

- 30. Add requirement that city manager consult with city treasurer on budget recommendations and estimates (6.3)
- 31. Clarify that the time/manner for making notice of a claim is governed by state law (6.12)
- 32. Add requirement that the annual financial statement audit be conducted by independent certified public accountants in accordance with government auditing standards (6.14)
- 33. Add requirement that the city treasurer issue monthly public financial statements within 15 business days of month end (6.17)

ARTICLE 7, ORDINANCES AND RESOLUTIONS

- 34. Allow the council to act by motion, and outline acts for which an ordinance is required (7.1)

ARTICLE 9. ELECTIONS

- 35. Change names of general and run-off elections to primary and general elections (2.3, 2.5, 2.10, 2.11, 9.1, 9.4, 9.5, 9.6, 9.7) – MARCH 2010 ELECTION
- 36. Dispense with first election (proposed primary) if no more than two candidates file nominating petitions for each vacancy (9.1.A) – MARCH 2010 ELECTION
- 37. Clarify majority of votes to elect at first election (proposed primary) and change and define "ballots cast" to "legal votes cast in that candidate's race" (9.5) – MARCH 2010 ELECTION

ARTICLE 10. INITIATIVE, REFERENDUM AND RECALL

- 38. Clarify requirements for initiatives amending the charter (10.1) – MARCH 2010 ELECTION

ARTICLE 11. CITY COURT

- 39. Clarify that the city court is a separate judicial branch of city government (11.1)
- 40. Clarify the presiding judge exercises administrative supervision over the court (11.2)
- 41. Set the initial term of the presiding judge at two (2) years, and ensure reappointment terms are for a minimum of two (2) years, as set by ordinance (11.2)
- 42. Require presiding judge to propose and administer the court's budget consistent with city budget and finance ordinances/policies (11.3)

ARTICLE 12. FRANCHISE AND PUBLIC UTILITIES

- 43. Require city to obtain finding from Arizona Corporation Commission prior to use of eminent domain in acquiring private utility (12.2)

SCOTTSDALE CITY CHARTER

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ARTICLE 1. INCORPORATION, FORM OF GOVERNMENT, POWERS AND BOUNDARIES
(BACK TO TOP)

Sec. 1. Incorporation.

The inhabitants of the City of Scottsdale, within the corporate limits as now established or as hereafter established in the manner provided by law, shall continue to be a municipal body politic and corporate in perpetuity, under the name of the "City of Scottsdale".

Sec. 2. Form of government.

The municipal government provided by this charter shall be known as the council manager form of government. Pursuant to its provisions and subject only to the limitations imposed by the state constitution and by this charter, all powers of the city shall be vested in an elective council, hereinafter referred to as "the council," which shall enact local legislation, adopt budgets, determine policies and appoint the city manager and such other officers deemed necessary and proper for the orderly government and administration of the affairs of the city, as prescribed by the constitution and applicable laws, and ordinances hereafter adopted by the city. All powers of the city shall be exercised in the manner prescribed by this charter, or if the manner be not prescribed, then in such manner as may be prescribed by ordinance.

Sec. 3. Powers of city.

The city shall have all the powers granted to municipal corporations and to cities by the constitution and laws of this state and by this charter, together with all the implied powers necessary to carry into execution all the powers granted, and these further rights and powers, to wit:

A. The city may acquire property within or without its corporate limits for any city purpose, **CONSISTENT WITH STATE LAW**, in fee simple or any lesser interest or estate, by purchase, gift, devise, lease or condemnation, and may sell, lease, mortgage, hold, manage and control such property as its interests may require. **CONDEMNATION MAY BE EXERCISED ONLY IF IT IS AUTHORIZED BY THIS STATE, IF IT IS FOR A PUBLIC USE, IF THE CITY HAS EXHAUSTED ALL REASONABLE OPTIONS TO AVOID THE USE OF CONDEMNATION INCLUDING THE NEGOTIATION OF JUST COMPENSATION AND IF ITS USE IS NARROWLY EXERCISED TO ADVANCE THE PUBLIC USE THE CITY CONTEMPLATES FOR THE PROPERTY TO BE ACQUIRED. LAND USE LAWS WHICH THAT REDUCE PRIVATE PROPERTY RIGHTS SHALL FURTHER COMPLY WITH ALL ARIZONA LAWS RELATING TO DIMINUTION IN VALUE AND JUST COMPENSATION THEREOF.**

B. To designate and establish as floodways or flood plains, areas of land within the boundaries of the city reasonably required or necessary to improve, extend, maintain or facilitate the control or discharge of waters of rivers and streams and intermittent flowing creeks, washes, arroyos, drains and channels together with surface and flood waters so as to ~~prevent~~ **LIMIT** the loss of or injury to lives and damage to property and ~~prevent and prohibit~~ **LIMIT** encroachments and obstructions within the floodway and flood plain areas so designated and established by the city together with criminal and civil penalty for violations thereof.

C. To adopt and ~~from time to time modify~~ **AMEND**, a comprehensive **GENERAL** plan **AS PROVIDED BY ARIZONA LAW, REGARDING** of the future physical development of the city to serve as a guide to all future council action concerning land use regulations and expenditures for capital improvements. ~~and the~~ The council may by ordinance implement said ~~comprehensive~~ **GENERAL** plan by adopting land use and development regulations, including but not limited to, an official **ZONING** map and zoning and subdivision regulations.

D. To levy and collect assessments and file liens on real property to collect amounts owed to the city for collection of solid waste and recyclable materials, water service and other utilities, city services rendered for special events, and sewer rental charges, service charges or fees for police or fire department responses to false or invalid alarms, **AND RESTORATION OF NATURAL AREA OPEN SPACE** or for other amounts owed to the city as provided by law, and reasonable amounts expended by the city in the abatement of any nuisance, **FLOODPLAIN OBSTRUCTION AND FLOODING HAZARD**, demolition and removal of any legally condemned building or structure and the cleaning and renovating of vacant lots which are offensive to the sight or smell or hazardous to the public health.

E. To prescribe the ~~number of times~~ **PLACE AND MANNER** a notice is to be published, ~~the place of publication and the form of such notice when publication of a notice in a newspaper is directed or authorized by law.~~

F. The city has the exclusive control and regulation of the use and enjoyment of its streets, alleys, public grounds or ways.

G. To require all persons, firms, or corporations responsible for new physical development within the city, to **TO THE EXTENT ALLOWED BY ARIZONA AND/OR FEDERAL LAW**, **TO** provide for or furnish, or **WHERE ALLOWED BY CITY ORDINANCE**, **TO** pay a fee in lieu of providing for or furnishing, **THE FOLLOWING**: (1) public utility easements; (2) water production, storage and transmission; (3) sewage collection, transmission, treatment and disposal; (4) park land and development; (5) school sites; (6) dedication and improvement of public rights-of-way; (7) bike paths and other necessary transportation; (8) drainage; (9) flood control; **(10) PARKING; AND (4011)** other public facilities necessary to maintain satisfactory levels of service for said new development, as provided by ordinance which shall include definite standards basing the foregoing requirements on the needs of the inhabitants of said new development.

H. To require architectural and site plan review and approval prior to the development, construction, reconstruction, or conversion of any building or structure other than a detached single-family dwelling.

I. To adopt specific plans **AND/OR CHARACTER AND COMMUNITY AREA PLANS** for land use for areas within the city for the purpose of refining the general plan.

J. To provide for solid waste management and the collection, source separation, storage, transportation, transfer, processing, treatment, sale, disposal, regulation of garbage, all other solid waste, and recyclable materials, and to acquire, construct, operate and maintain solid waste management facilities, including the authority to enter into contracts therefor, levy and collect fees and charges, require licenses, accept grants, acquire or dispose of recyclable materials, and to impose criminal penalties for the unlawful interference with all such activities. Further, the city may by mutual agreement with other private or governmental entities provide for the management and disposal of garbage and all other solid waste and recyclable materials.

K. To provide for the preservation and enhancement of the environment of the City of Scottsdale **as it may relate to the ecology.**

L. To provide for the protection, development, enhancement, storage, transportation and replenishment of the water supply, including but not limited to groundwater recharge, for the benefit of the City of Scottsdale, both within and without its boundaries.

M. To provide for the collection, transportation, disposition and regulation of wastewater and effluent, and to acquire, construct, operate and maintain wastewater and effluent treatment and management facilities, including the authority to enter into contracts therefor, levy and collect fees and charges, require licenses, accept grants, purchase and sell recovered resources, and

to impose criminal penalties for the unlawful disposal of wastewater and effluent. Further, the city may by mutual agreement with other private or governmental entities provide for the disposal of wastewater and effluent.

N. To adopt ordinances relating to the external maintenance of structures and land, to levy and collect assessments and to file liens on real property to collect amounts expended by the city for such external maintenance.

O. THE CITY SHALL NOT REQUIRE OR PLACE UNDER DURESS ANY PROPERTY OWNER TO WAIVE ANY CONSTITUTIONAL OR STATUTORY RIGHT TO MAKE A CLAIM FOR DIMINUTION IN FAIR MARKET VALUE OF THE OWNER'S PROPERTY, BUT SUCH A WAIVER MAY BE FREELY, KNOWINGLY AND VOLUNTARILY GIVEN.

P. [NOTE: THIS LANGUAGE COULD BE INCLUDED HERE OR AT THE END OF ARTICLE 6 – FINANCE AND TAXATION] THE CITY SHALL NOT GIVE OR LOAN ITS CREDIT IN AID OF, NOR MAKE ANY DONATION, GRANT OR PAYMENT OF ANY PUBLIC FUNDS, BY SUBSIDY OR OTHERWISE, TO ANY INDIVIDUAL, ASSOCIATION, OR CORPORATION, EXCEPT WHERE THERE IS A CLEARLY IDENTIFIED PUBLIC PURPOSE AND THE CITY RECEIVES DIRECT CONSIDERATION SUBSTANTIALLY EQUAL TO ITS EXPENDITURE.

Except as prohibited by the constitution of this state, or restricted by this charter **OR THE LAWS OF THIS STATE PREEMPTING THE CHARTER**, the city shall and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever.

The enumeration of particular powers by this charter shall not be deemed to be exclusive, and in addition to the powers enumerated herein or implied hereby, or appropriate to the exercise of such powers, it is intended that the city shall have and may exercise all powers which under the constitution of this state, it would be competent for this charter specifically to enumerate.

Sec. 3-1. Intergovernmental relations.

The city may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation by contract, or otherwise, with any one or more states, political subdivisions, school districts, Indian tribal councils or any board, commission or agency, or combination of them, or with the United States or any department or agency thereof.

Sec. 4. Boundaries.

The boundaries of the city shall be the boundaries as established at the time this charter takes effect, or as such boundaries may be changed thereafter in the manner authorized by law.

ARTICLE 2. THE COUNCIL ([BACK TO TOP](#))

Sec. 1. Powers of the council.

All powers of the city, not in conflict with the constitution and subject to the limitations of this charter, shall be vested in the council, who shall enact appropriate legislation and do and perform any and all acts and things which may be necessary and proper to carry out these powers or any of the provisions of this charter.

Sec. 2. Number; selection.

The council shall consist of a mayor and six (6) councilmen elected from the city at large.

Sec. 3. Terms of mayor and council members.

The terms of the mayor and each member of the council shall commence at the first regular

meeting of the council following the date set for the ~~Run-off~~ GENERAL election, even if no such ~~Run-off~~ GENERAL election is held, and shall be for four consecutive years thereafter, or until his or her successor is duly elected and inducted into office. The mayor and three members of the council shall be elected in the year 2000, and three members of the council shall be elected two years thereafter.

Sec. 4. Qualifications.

The mayor and councilmen shall be qualified electors of the city and shall hold no other public office which in any way conflicts with the office of mayor or councilman, and shall have resided in said city, or in an area annexed to said city, for one (1) year next preceding the date of such election or appointment. If the mayor or a councilman shall cease to possess any of these qualifications or shall be convicted of a crime involving moral turpitude, his office shall immediately become vacant. THE COUNCIL, AS PROVIDED BY ORDINANCE, SHALL BE THE JUDGE OF THE ELECTION AND THE QUALIFICATIONS OF ITS MEMBERS AND FOR SUCH PURPOSE SHALL HAVE POWER TO SUBPOENA WITNESSES AND REQUIRE THE PRODUCTION OF RECORDS, BUT THE DECISION OF THE COUNCIL IN ANY SUCH CASE SHALL BE SUBJECT TO REVIEW BY THE COURTS.

Sec. 5. Limitations on filing for election.

Any incumbent mayor or councilman, who is not in the final year of the term being served, shall resign from office before offering himself for nomination or election to any salaried local, state or federal office. An incumbent mayor or councilman, in the final year of a term being served, may offer himself for nomination or election to any salaried local, state or federal office, without resignation from office. To be eligible to run for the office of mayor, an incumbent councilman who is not in the final year of the term being served, shall resign his office upon offering himself for nomination, or ninety (90) days prior to the General PRIMARY election, whichever occurs first. "Offer for nomination or election" means either filing a nomination paper required by law to run for public office or making a formal public declaration of candidacy. Resignations required by this section shall be in writing, filed with the city clerk and shall be effective upon filing.

Sec. 6. Duties of the mayor.

A. ~~The mayor shall be the chairman of the council and preside over its meetings. He may make and second motions and shall have a voice and vote in all its proceedings.~~ A VOTING MEMBER OF THE COUNCIL AND SHALL ATTEND AND PRESIDE AT MEETINGS OF THE COUNCIL; REPRESENT AND APPOINT MEMBERS OF THE COUNCIL TO REPRESENT THE COUNCIL IN INTERGOVERNMENTAL RELATIONSHIPS; PRESENT AN ANNUAL STATE OF THE CITY MESSAGE; APPOINT THE MEMBERS OF COUNCIL COMMITTEES; ASSIGN AGENDA ITEMS TO COMMITTEES; AND PERFORM OTHER DUTIES SPECIFIED BY THE COUNCIL AND ALLOWED BY LAW. ALL APPOINTMENTS AND ASSIGNMENTS MADE BY THE MAYOR SHALL BE SUBJECT TO THE APPROVAL OF THE COUNCIL.

B. ~~He~~ THE MAYOR shall be recognized as head of the city government for all ceremonial purposes and by the governor for purposes of martial law, but shall have no regular administrative duties.

C. The mayor shall govern the city by proclamation during times of riot, civil insurrection, major disaster and times of great public danger.

Sec. 7. VICE Mayor ~~pro tempore~~.

The council shall designate one of its members as VICE mayor ~~pro tempore~~, who shall serve in such capacity at the pleasure of the council. The VICE mayor ~~pro tempore~~ shall perform the duties of the mayor during his absence or disability.

Sec. 8. Salaries of mayor and MEMBERS OF the councilmen.

The monthly salary of the mayor shall be two thousand three hundred dollars (\$3,000.00), and of MEMBERS OF the councilmen shall be one thousand one hundred fifty dollars (\$1,500.00), until changed SET by ordinance, but shall not be increased during the current term of mayor and MEMBERS OF the councilmen enacting such ordinance.

Sec. 9. Council to be judge of qualifications of its members.

The council shall be the judge of the election and qualifications of its members and for such purpose shall have power to subpoena witnesses and require the production of records, but the decision of the council in any such case shall be subject to review by the courts.

Sec. 10. Induction of mayor and council into office.

Each newly elected mayor and member of the council shall be inducted into office at the beginning of the first regular meeting of the council following the date set for the run-off GENERAL election, even if no run-off GENERAL election is held.

Sec. 11. Vacancies in council and office of mayor.

The council, by majority vote of its remaining members, shall within thirty-one (31) days, fill the vacancy in its own membership including the office of mayor, by appointing a person to serve until the office is filled by election. If a vacancy in either the office of mayor or councilman occurs less than thirty (30) days prior to the final date for filing nomination petitions for the general PRIMARY election, the council shall appoint by majority vote a person to serve the remainder of the unexpired term. If a vacancy occurs in the office of mayor more than thirty (30) days prior to the final date for filing nomination petitions for the general PRIMARY election, the vacancy shall be filled for a four (4) year term at the next regular general PRIMARY election and run-off GENERAL election, if necessary, as provided in this charter. If a vacancy occurs in the office of councilman more than thirty (30) days prior to the final date for filing nomination petitions, the unexpired term shall be filled at the next regular general PRIMARY election and run-off GENERAL election, if necessary, as provided in this charter. In any general PRIMARY election or run-off GENERAL election, if necessary, as provided in this charter, when more than three (3) vacancies exist in the office of councilman, and have to be filled at said election, the three (3) candidates receiving the greatest number of votes shall be elected for four (4) year terms as provided in article 2, section 4-3 of this charter and the candidate or candidates equal in number to the vacancies to be filled receiving the next greatest number of votes in descending order shall be elected for the unexpired term or terms.

Sec. 12. Council meetings; open to public.

The council shall meet regularly at such times and at such places as may be prescribed by its rules, but not less frequently than two (2) times each month. All meetings of the council to conduct official business shall be open to the public IN A MANNER CONSISTENT WITH STATE LAW.

Sec. 13. Special meetings.

Special meetings may be called by the mayor or four (4) members of the council, with reasonable notice given to all members of the council.

Sec. 14. Rules of procedure; journal RECORD.

The council shall determine its own rules and order of business subject to the provisions of this charter. It shall keep a journal RECORD of its proceedings and the journal RECORD shall be open to public inspection during regular office hours.

Sec. 15. Quorum; ayes and nays.

A majority of the members of the council shall constitute a quorum, but a smaller number may adjourn from day to day or from time to time. The vote on any question shall be by ayes and nays and shall be entered in the **Journal RECORD**. At the request of any member of the council, a roll call vote shall be taken.

Sec. 16. Consideration of petitions.

Any citizen of the city may appear before the council at any regular meeting and **present a written petition OR ADDRESS THE COUNCIL DURING THE PUBLIC COMMENT PERIOD. THE COUNCIL MAY REQUEST STAFF TO REVIEW ANY MATTER BROUGHT TO ITS ATTENTION, MAY ASK THAT THE MATTER BE PLACED ON A FUTURE AGENDA FOR A VOTE, OR TAKE NO ACTION** ~~such petition shall be acted upon by the council, in the regular course of business, within (30) days.~~

Sec. 17. **Interference in administrative service. APPOINTMENTS, REMOVALS AND INTERACTIONS WITH CITY EMPLOYEES.**

- A. Neither the council nor any of its members shall **direct CONTROL** or **request DEMAND** the appointment **of any person to, or his removal from, office by the city manager or by any of his subordinates, or in any manner take part in the appointment or removal of CITY EMPLOYEES SUBJECT TO THE DIRECTION AND SUPERVISION OF ANY OFFICER OF THE CITY officers and employees in the administrative service of the city.**
- B. ~~Except for the purpose of inquiry, t~~The council and its members shall deal **MAY INTERACT** with **SUCH EMPLOYEES** ~~the administrative service solely through the city manager, and~~ **FOR THE PURPOSE OF INQUIRIES. HOWEVER,** neither the council nor any member thereof shall give orders to any **subordinates of the city manager SUCH EMPLOYEES**, either publicly or privately.
- C. **THIS SECTION DOES NOT APPLY TO CITY EMPLOYEES WHOSE PRIMARY DUTY IS TO DIRECTLY SERVE THE MAYOR OR MEMBERS OF THE COUNCIL.**

~~Nothing in this section shall be construed, however, as prohibiting t~~The council, **while in open sessions from fully and freely discussing with or suggesting to the city manager AT A PUBLIC MEETING, MAY EXPRESS ITS VIEWS AND FULLY AND FREELY DISCUSS WITH ANY OFFICER OF THE CITY** anything pertaining to city affairs or the interests of the city.

Sec. 18. Conduct of council as to powers authorized by charter when no procedure established by law.

Whenever, by any provisions of this charter, it is prescribed that any power, duty or procedure shall or may be exercised, performed or adopted in the manner established by any law of this state, and there be no procedure established by law therefor, then the council may prescribe the procedure.

Sec. 19. Limitation of terms.

No mayor shall serve more than three consecutive elected terms as mayor and no councilman shall serve more than three consecutive elected terms as councilman. **The limitations contained herein shall apply to the office of mayor commencing with the election for that office in 1992 as provided in this charter and shall apply to the office of councilman commencing with the election for that office in 1990 as provided in this charter.**

Sec. 20. **Internal auditor.**

The city council shall have the authority to appoint an internal auditor to examine and verify such city affairs as the council may direct. The auditor shall report directly to the council.

Article 3: ~~The City Manager~~ OFFICERS OF THE CITY (BACK TO TOP)

Sec. 1. ~~Appointment of city manager.~~ GENERAL PROVISIONS.

~~The council shall appoint an officer of the city who shall have the title of city manager and shall have the powers and perform the duties in this charter provided.~~

THE COUNCIL SHALL APPOINT AS OFFICERS OF THE CITY THE FOLLOWING: CITY MANAGER, CITY TREASURER, CITY CLERK, CITY ATTORNEY AND CITY AUDITOR. THE COUNCIL SHALL SET COMPENSATION FOR OFFICERS OF THE CITY WHO COLLECTIVELY SHALL BE RESPONSIBLE TO MANAGE THE AFFAIRS OF THE CITY, REPORT DIRECTLY TO THE COUNCIL, SERVE AT THE PLEASURE OF THE COUNCIL, AND HAVE THE POWERS AND PERFORM THE DUTIES IN THIS CHARTER PROVIDED. EACH OFFICER OF THE CITY SHALL APPOINT AND, WHEN NECESSARY, REMOVE EMPLOYEES OF THEIR RESPECTIVE OFFICES, AS PROVIDED BY CITY ORDINANCES AND FORMALLY ADOPTED POLICIES.

No councilman shall receive such appointment during the term for which he shall have been elected, nor within one year after the expiration of his term.

OFFICERS OF THE CITY SHALL BECOME RESIDENTS OF THE CITY WITHIN SIX (6) MONTHS AFTER THE START OF THEIR EMPLOYMENT.

OFFICERS OF THE CITY SHALL BE CHOSEN BY THE COUNCIL ON THE BASIS OF QUALIFICATIONS WITH SPECIAL REFERENCE TO ACTUAL EXPERIENCE IN, OR KNOWLEDGE OF, ACCEPTED PRACTICE IN RESPECT TO THE DUTIES OF THE OFFICE AS SET FORTH IN THIS CHARTER.

IT SHALL BE THE DUTY OF EACH OFFICER TO PERFORM ALL SERVICES REQUIRED OF THEIR RESPECTIVE POSITIONS.

THE COUNCIL SHALL APPROVE THE APPOINTMENT OF ACTING OFFICERS IN THE EVENT AN OFFICER IS ABSENT FROM THE CITY, IS UNABLE TO PERFORM HIS DUTIES, IS SUSPENDED BY THE COUNCIL, OR IF THERE IS A VACANCY IN THE OFFICE.

ANY OFFICER OF THE CITY MAY WITHIN TEN (10) DAYS FROM THE DATE OF A VOTE OF REMOVAL, REQUEST A PUBLIC HEARING TO BE HELD NOT LATER THAN THIRTY (30) DAYS THEREAFTER.

Sec. 2. The city manager; ~~qualifications.~~

The council shall appoint AS an officer of the city who shall have the title of A city manager and shall have the powers and perform the duties in this charter provided. The city manager shall be chosen by the council on the basis of his executive and administrative qualifications with special reference to his actual experience in, or his knowledge of, accepted practice in respect to the duties of his office as hereinafter set forth. At the time of his appointment, he need not be a resident of the city or state, but during his tenure of office he shall reside within the city.

Sec. 3. City manager; powers and duties.

~~The city manager shall be~~ AS the chief executive of the administrative branch of the city government. He THE CITY MANAGER shall be responsible to the council for the proper administration of all affairs of the city, NOT OTHERWISE ASSIGNED BY THIS CHARTER TO ANOTHER OFFICER. and to that end, subject to the provisions of this charter, he THE CITY MANAGER shall have power and shall be required to:

- (a) See that all ordinances are enforced and that the provisions of all franchises, leases, contracts, permits and privileges granted by the city are observed;
- (b) PROVIDE FOR THE AppointMENT and when necessary for the good of the service removeAL OF all officers and employees of the city, except as otherwise provided by this charter. and except as he THE CITY MANAGER may authorize the A SUBORDINATE head of a department or office to appoint and remove subordinates EMPLOYEES in such department or office;
- (c) Prepare the annual budget estimates and submit them to the council and be responsible for the administration of the budget after adoption;
- (d) Keep the council advised at all times of the affairs and needs of the city and make reports AS annually, or more frequently if requested REQUIRED by the council, of all the affairs of the city;
- (e) Supervise the purchasing for all departments of the city;
- (f) Perform such other duties as may be prescribed by this charter or required of him by the council, not inconsistent with this charter;
- The city manager shall furnish a surety bond to be approved by the council; said bond to be conditioned on the faithful performance of his duties. The premium of the bond shall be paid by the city.

Sec. 4. Acting city manager.

If the city manager is absent from the city, is unable to perform his duties, or is suspended by the council, or if there is a vacancy in the office of the city manager, the council shall appoint an acting city manager to serve until the city manager returns, until his disability or suspension ceases or until another city manager is appointed and qualifies, as the case may be.

Sec. 5. Removal of city manager.

The council shall appoint the city manager for an indefinite term and may remove him by a majority vote of its members. The city manager may within ten (10) days from the date of said vote, request a public hearing to be held not later than thirty (30) days thereafter. Severance pay will be at the discretion of the council. The action of the council in suspending or removing the manager shall be final and conclusive on everyone, it being the intention of this charter to vest all authority and fix all responsibility for such suspension and removal in the council.

Sec. 3. City clerk.

The council shall appoint AS an officer of the city, who shall have the title of A city clerk, and who shall give notice of all council meetings, keep the journal OFFICIAL RECORD of the council's proceedings, authenticate by his signature and record in full in books kept for the purposes all ordinances and resolutions, and shall perform such other duties as shall be required by this charter or by ordinances. He will serve at the pleasure of the council.

Sec. 4. City treasurer.

The council shall appoint AS an officer of the city, who shall have the title of A city treasurer, WHO SHALL BE THE CHIEF FINANCIAL OFFICER OF THE CITY, who shall receive and have custody of all the money of the city and shall keep and save said money and dispense the same only as provided by law, and who shall always be bound by the constitution, laws and ordinances and upon whom legal garnishments and demands may be served PREPARE THE OFFICIAL FINANCIAL AND ACCOUNTING RECORDS OF THE CITY. He will serve at the pleasure of the council. The city treasurer shall furnish a surety bond to be approved by the city

council. Said bond; to be conditioned on the faithful performance of his duties. The premium of the bond shall be paid by the city.

Sec. 5. City attorney.

The council shall appoint AS AN OFFICER OF THE CITY the A city attorney, who shall be the chief legal advisor TO THE COUNCIL AND of all offices, departments and agencies and of all officers and employees in matters relating to their official powers and duties. It shall be his duty to perform all services incident to his position as may be required by statute, by this charter or by ordinance. He will serve at the pleasure of the council.

Sec. 6. Internal CITY auditor.

The city council shall have the authority to appoint AS AN OFFICER OF THE CITY an internal A CITY auditor to examine and verify such city affairs as the council may direct. The auditor shall report directly to the council. THE CITY AUDITOR SHALL HAVE THE AUTHORITY TO CONDUCT FINANCIAL AND PERFORMANCE AUDITS AND INVESTIGATIONS OF ALL ACTIVITIES OF THE CITY IN ACCORDANCE WITH APPLICABLE GOVERNMENT AUDITING STANDARDS, AND SHALL BE PROVIDED FREE AND OPEN ACCESS, EXCEPT AS LIMITED BY LAW, TO ALL CITY RECORDS, PERSONNEL, FACILITIES AND INFORMATION NECESSARY TO CARRY OUT THESE DUTIES.

Article 4: ADMINISTRATIVE DEPARTMENT OFFICES AND EMPLOYEES ([BACK TO TOP](#))

Sec. 1. Administrative departments and offices.

The council, by ordinance not inconsistent with this charter, shall provide for the organization, conduct and operation of the several offices and departments of the city as established by this charter, for the creation of additional departments, divisions, offices and agencies and for their consolidation, alteration or abolition.

The council, by ordinance not inconsistent with this charter, may assign additional functions or duties to offices, departments or agencies. ~~Where the positions are not incompatible, the council may combine in one person the powers and duties of two or more offices created or authorized by this charter.~~

The council shall provide the number, titles, qualifications, powers, duties and compensation of all officers and employees of the city. ~~Officers of the city shall become residents of the city within six (6) months after the start of their employment.~~ The city council may by ordinance provide residency requirements for all other city employees.

~~Sec. 2. City clerk.~~

~~The council shall appoint an officer of the city, who shall have the title of city clerk, and who shall give notice of all council meetings, keep the journal of the council's proceedings, authenticate by his signature and record in full in books kept for the purposes all ordinances and resolutions, and shall perform such other duties as shall be required by this charter or by ordinances. He will serve at the pleasure of the council.~~

~~Sec. 3. City treasurer.~~

~~The council shall appoint an officer of the city, who shall have the title of city treasurer, and who shall receive and have custody of all the money of the city and shall keep and save said money and dispense the same only as provided by law, and who shall always be bound by the constitution, laws and ordinances and upon whom legal garnishments and demands may be served. He will serve at the pleasure of the council. The city treasurer shall furnish a surety bond to be approved by the city council. Said bond; to be conditioned on the faithful performance of his duties. The premium of the bond shall be paid by the city.~~

~~Sec. 4. City attorney.~~

~~The council shall appoint the city attorney who shall be the chief legal advisor of all offices, departments and agencies and of all officers and employees in matters relating to their official powers and duties. It shall be his duty to perform all services incident to his position as may be required by statute, by this charter or by ordinance. He will serve at the pleasure of the council.~~

~~Sec. 5. Civil service system to be established.~~

~~The city council shall create a civil service board within one (1) year after the adoption of this charter by the voters. The board shall consist of three qualified electors of the city to be appointed by the city council.~~

~~The term of the appointment of members shall be for six (6) years, except that of the members first appointed, one shall be appointed for a term of two (2) years, one for a term of four (4) years and one for a term of six (6) years. Any vacancies during the unexpired term of an appointive member shall be filled by the council for the remainder of the term.~~

~~The civil service board shall prescribe, amend, and enforce rules for the employees of the city, except those elected by the people and also excluding all officers and department heads. These rules shall have the effect of law after they have been approved by the city council.~~

Article 5: Appointive Boards and Commissions (BACK TO TOP)

Sec. 1. Appointive boards and commissions.

The council may by ordinance create, change, and abolish boards or commissions **AS** in its judgment are required, or as are now or hereafter provided by law and may grant to them such power **S** and duties as are consistent with the provisions of this charter.

All members of appointive boards or commissions shall at the time of their appointment be a resident of the city, and shall maintain this residency for the duration of their term in office. No member of a board or commission shall serve for more than six consecutive years on that board or commission. ~~This provision shall apply to all appointments to boards or commissions made on or after March 1, 1988.~~

~~Sec. 2. Mayor and city manager ex officio members.~~

~~The mayor and city manager shall be ex officio members without voting privileges, of all boards and commissions.~~

SEC. 2. CIVIL SERVICE BOARD.

THE CITY COUNCIL SHALL CREATE A CIVIL SERVICE BOARD CONSISTING OF THREE QUALIFIED ELECTORS OF THE CITY TO BE APPOINTED BY THE CITY COUNCIL FOR SIX (6) YEAR TERMS. **THE BOARD SHALL TO** PRESCRIBE, AMEND AND ENFORCE RULES FOR PERSONNEL HEARINGS AS PROVIDED BY CITY ORDINANCE.

Article 6. FINANCE AND TAXATION (BACK TO TOP)

Sec. 1. Fiscal year.

The fiscal year of the city shall commence on the first day of July each year.

Sec. 2. Council to provide for tax system; use of county services.

The council may by ordinance provide a system for the assessment, levy and collection of all city taxes, not inconsistent with the provisions of this charter; provided, however, the council shall have power to avail itself of any law of this state, now or hereafter in force, and comply with the requirements thereof whereby assessments may be made by the assessor of the county in which the city is situated and taxes collected by the tax collector of said county for and in behalf of the city.

Sec. 3. Submission of **RECOMMENDATIONS AND** estimates to council; **scope of city manager's estimate.**

EACH YEAR, ~~On or before the second regular council meeting in May, of each year, or on such date in each year as shall be fixed~~ DETERMINED by the council, the city manager, ~~IN CONJUNCTION AFTER CONSULTATION WITH THE CITY TREASURER,~~ shall prepare and submit in writing to the council the estimates of each department and his own personal report and recommendations **FOR THE NEXT ENSUING FISCAL YEAR WITH,** and estimateS OF THE CITY'S ~~as to the probable expenditures of the city for the next ensuing fiscal year, stating the amount in detail required to meet all expenditures necessary for city purposes, including FUNDS REQUIRED TO SERVICE ANY interest and sinking funds, and outstanding indebtedness, if there be any; also an estimate of the amount of income expected from all sources in each department, and the probable amount required to be raised by taxation to cover such expenditures, interest and sinking funds.~~

Sec. 4. Preparation and tentative adoption of a budget; publication of budget and notice of meeting to fix tax levies.

The council shall meet annually prior to fixing the tax levy and make a budget of the estimated amounts required to pay the expenses of conducting the business of the city for the ~~ensuing~~ **NEXT** fiscal year. The budget shall be prepared in such detail as provided by law and, together with a notice that the council will meet for the purpose of making tax levies, in accordance with said budget, at the time and place set out in said notice, shall be published ~~in the official newspaper of the city~~ **AS REQUIRED BY STATE LAW OR ORDINANCE. once a week for at least two (2) consecutive weeks following the tentative adoption of such budget.**

Sec. 5. Public hearing and adoption of budget.

The council shall, at the first regular meeting in June and at the time and place designated in such notice, hold a public hearing at which any taxpayer may appear and be heard in favor of or against any proposed expenditure or tax levy. When such hearings shall have been concluded, the council shall finally determine and adopt estimates of proposed expenditures for the various purposes as set forth in the published proposal and such adopted estimates will constitute the budget for the next fiscal year.

~~(a) After the conclusion of such public hearing, the council may insert new items or may increase or decrease the items of the budget. The council may not vary the titles, descriptions or conditions of administration specified in the budget. Before inserting any additional item or increasing any item of appropriation, it must cause to be published a notice at least once in the official newspaper of the city, setting forth the nature of the proposed increases and fixing a place and time, not less than five (5) days after publication, at which time the council will hold a public hearing thereon.~~

Sec. 6. Exceeding adopted budget.

Nothing in this article shall be construed to limit the power of the council to appear before the state tax commission or any other duly authorized state body for the purpose of requesting authorization to exceed the adopted budget for emergency or unanticipated municipal expenditures, AS PROVIDED BY STATE LAW.

Sec. 7. Adoption of ordinance fixing tax rate.

On the day set for making tax levies, but not later than the third Monday in August, the council shall meet and adopt an ordinance levying upon the assessed valuation of the property within the city, subject to the provisions of this charter, a rate of taxation upon each one hundred dollars (\$100.00) of valuation, sufficient to raise the amounts estimated to be required in the annual budget, less the amounts estimated to be received from fines, licenses and other sources of revenue.

Sec. 8. Additional taxes for special purposes.

The council shall have the power to levy and collect taxes in addition to the taxes herein authorized to be levied and collected, sufficient to pay the interest and maintain the sinking fund of the bonded indebtedness of the city and an additional amount deemed to be advisable and necessary for any public or municipal purposes.

Sec. 9. Transaction privilege tax.

The council shall have the power to levy a transaction privilege tax provided that no such tax levy computed or measured on the gross receipts, gross income or gross proceeds of sales of the taxpayer without deduction for cost of goods, or property or services sold or other costs shall be levied at a rate in excess of one percent of such gross receipts, gross income or gross proceeds of any such taxpayer unless such rate is approved by a majority of the qualified electors of the city, voting on the question whether such a rate should be approved at a general or special election wherein such question has been submitted.

Sec. 10. Tax exempt property.

All the property within the city shall be subject to taxation, except that property which is exempt from taxes under the laws of the United States and the laws of this state.

Sec. 11. Transfer of appropriations.

The city manager, subject to the approval of the council, may at any time transfer any unencumbered appropriation balance or portion thereof between general classifications of expenditures within an office, department or agency. At the request of the city manager, the council may transfer any unencumbered appropriation balance or portion thereof from one office, department or agency to another.

Sec. 12. Claims or demands against the city.

THE TIME AND MANNER FOR MAKING NOTICE OF A CLAIM AGAINST THE CITY SHALL BE AS SET FORTH IN STATE LAW. The council shall prescribe by ordinance PROCEDURES RELATING TO THE AUDITING AND PAYMENT OF A CLAIM the manner and limitations of time in which claims or demands against the city shall be presented, audited and paid.

Sec. 13. Transfer of sums from any funds to principal and interest funds.

Whenever there shall not be sufficient moneys, in any of the interest or principal reduction funds for bonded indebtedness of the city to pay the interest or any principal payment on such bonded indebtedness when due, the council shall direct the transfer from the general or any other fund having moneys therein, except private contributions or endowment funds in the possession or

control of the city, to such interest or principal funds the necessary amounts of money to pay the interest or principal payment due on said bonded indebtedness, and the amount so transferred shall be returned to the respective funds from which such transfer was made whenever sufficient moneys shall accrue in said bonded indebtedness funds.

Sec. 14. Independent annual audit.

Prior to the end of each fiscal year the council shall designate certified public accountants who, ~~as of the end of the fiscal year,~~ shall ~~make~~ **PERFORM** an independent audit of **THE city'S** government and shall submit their report to the council and to the city manager **ANNUAL FINANCIAL STATEMENTS IN ACCORDANCE WITH GENERALLY ACCEPTED GOVERNMENT AUDITING STANDARDS. THE CERTIFIED PUBLIC ACCOUNTANTS SHALL BE INDEPENDENT OF THE CITY GOVERNMENT, HAVING NO PERSONAL INTEREST, DIRECT OR INDIRECT, IN THE FISCAL AFFAIRS OF CITY GOVERNMENT OR ANY OF ITS OFFICERS. THE CERTIFIED PUBLIC ACCOUNTANTS SHALL SUBMIT THEIR REPORTS TO THE COUNCIL. All such audit reports shall be a matter of public record. Such accountants shall have no personal interest, direct or indirect, in the fiscal affairs of the city government or of any of its officers. They shall not maintain any accounts or records of the city business, but, within specifications approved by the council, shall post-audit the books and documents kept by the city and any separate or subordinate accounts kept by any other office, department or agency of the city government.**

Sec. 15. Investment of funds.

The council shall have the authority to invest all funds available at the highest available interest rate, assuring that all moneys are fully secured.

Sec. 16. Capital improvements excluded from expenditure limitations.

The City of Scottsdale may accumulate and expend local revenues for the purpose of purchasing land, buildings or improvements or constructing buildings or improvements as funds excluded from expenditure limitations pursuant to article IX, section 20(3)(d)(viii) Arizona Constitution.

SEC 17. FINANCIAL REPORTING

THE CITY TREASURER SHALL ISSUE MONTHLY PUBLIC FINANCIAL STATEMENTS TO THE COUNCIL WITHIN **FIFTEEN (15)** BUSINESS DAYS OF THE MONTH END. THE MONTHLY FINANCIAL STATEMENTS SHALL INCLUDE, BUT NOT BE LIMITED TO, THE ACTUAL, BUDGETED, AND PRIOR YEAR COMPARISONS OF REVENUE AND EXPENDITURES OF EACH OFFICE, DIVISION AND DEPARTMENT, AND ANY ADDITIONAL INFORMATION REQUIRED BY ORDINANCE.

ARTICLE 7. ORDINANCES AND RESOLUTIONS (BACK TO TOP)

Sec. 1. Council to act by resolution, ~~or~~ ordinance **OR MOTION**.

The council shall act by resolution, ~~or~~ ordinance **OR MOTION**.

IN ADDITION TO OTHER ACTS REQUIRED BY LAW OR BY SPECIFIC PROVISION OF THIS CHARTER TO BE DONE BY ORDINANCE, ACTS OF THE COUNCIL SHALL BE BY ORDINANCE IF THEY:

(1) ADOPT OR AMEND LAW OR ESTABLISH, ALTER, OR ABOLISH ANY CITY DEPARTMENT, OFFICE, OR AGENCY;

(2) PROVIDE FOR A FINE OR OTHER PENALTY OR ESTABLISH A RULE OR REGULATION FOR VIOLATION OF WHICH A FINE OR OTHER PENALTY IS IMPOSED;

(3) LEVY TAXES;

(4) REGULATE THE RATES CHARGED FOR UTILITY SERVICES PROVIDED BY THE CITY;

(5) AUTHORIZE THE BORROWING OF MONEY;

(6) CHANGE A PROPERTY'S ZONING DISTRICT(S);

(7) AMEND OR REPEAL ANY ORDINANCE PREVIOUSLY ADOPTED.

Sec. 2. Ayes and nays to be recorded.

The ayes and nays shall be taken upon the passage of all ordinances and resolutions and entered upon the ~~journal~~ **RECORD** of the proceedings of the council.

Sec. 3. When majority or **LARGER THAN MAJORITY**~~2/3~~ vote required.

A majority vote of all the members of the council shall be necessary to pass any ordinance ~~or resolution having the effect of an ordinance except that the adoption or readoption of, or a major amendment to the general plan shall be approved by affirmative votes of at least two-thirds of the members of the council. A "major amendment" to the general plan shall be as defined by state law,~~ **RESOLUTION OR MOTION EXCEPT WHERE A LARGER THAN MAJORITY VOTE IS REQUIRED BY THIS CHARTER, ORDINANCE, OR STATE OR FEDERAL LAW.**

Sec. 4. Enacting style.

The enacting clause of all ordinances passed by the council shall be in these words: "Be it ordained by the Council of the City of Scottsdale as follows:".

Sec. 5. Reading or posting and passage of ordinances and resolutions; effective date.

All proposed ordinances ~~and resolutions having the effect of ordinances,~~ shall either be read in full or posted in a public place at least twenty-four (24) hours prior to their adoption, provided that if any amendments are proposed to a posted ordinance such amendments shall be ~~read in full~~ **PRESENTED AND DISCUSSED DURING THE PUBLIC MEETING** prior to their adoption.

~~A measure may be placed upon final passage at the same meeting as when introduced by unanimous consent of the council.~~

Measures, **ORDINANCES OR ANY OTHER REFERABLE ACTIONS** without the emergency clause shall take effect and become operative thirty (30) days after the date of their passage.

Sec. 8. Publication of ordinances and resolutions.

All ordinances and resolutions having the effect of ~~ordinances~~ **LAW**, ~~except emergency measures~~, shall be published, **AS REQUIRED BY STATE LAW OR ORDINANCE**, once within ~~ten (10)~~ **FIFTEEN (15)** days of their passage, ~~in the official newspaper of the city before they become effective and operative.~~

~~Emergency ordinances~~ **MEASURES** which have been passed by the necessary vote of five (5) members of the council shall be published one time in the official newspaper of the city within ~~ten (10) days after their passage~~ **AS REQUIRED BY STATE LAW OR ORDINANCE.**

Sec. 9. How ordinances ~~and resolutions~~ are to be revised; reenacted and amended.

~~Ordinances, or resolutions having the effect of an ordinance,~~ shall not be revised, reenacted or amended by reference to title only, but the ordinance, ~~or resolution having the effect of an ordinance~~ to be revised or reenacted, or the section or sections thereof to be amended, or the new section or sections to be added thereto, shall be set forth and adopted in the method provided in this charter for the adoption of ordinances ~~and resolutions.~~

Sec. 10. How ordinances or resolutions are to be repealed or suspended.

No ordinance, or resolution ~~having the effect of an ordinance~~ or section thereof shall be repealed or suspended except by ordinance or resolution adopted in the manner provided in this charter.

Sec. 11. Ordinances and resolutions to be filed, recorded and certified; ordinances and resolutions as evidence.

All ordinances and resolutions shall be filed and safely kept by the city clerk and duly recorded and certified by him in books for that purpose marked "city ordinances" and "city resolutions" respectively; and record copies thereof certified by the city clerk, or the originals thereof shall be prima facie evidence of the contents of such ordinances or resolutions and of the due passage and publication of the same, and shall be admissible in evidence in any court of this state, or in any proceeding where the contents of such ordinance or resolution, or any of them, is in question; provided, however, that nothing herein contained shall be construed to prevent the proof of passage and publication of any ordinance or resolution in the manner otherwise prescribed by law.

Sec. 12. Procedure for adoption by reference.

The council may enact the provisions of a code or public record **BY REFERENCE IN AN ORDINANCE, AS PROVIDED BY STATE LAW**, ~~theretofore in existence~~ without setting forth such provisions, but the adopting ordinance shall be published in full. ~~At least three (3) copies~~ **COPY(S)** of the code or public record shall be filed in the office of the city clerk and kept available for public use and inspection, **AS PROVIDED BY STATE LAW**. A code or public record enacted by reference may be amended in the same manner.

No penalty clause shall be enacted by reference thereto. A penalty clause contained in a code or public record adopted by reference shall be set forth in full in the adopting ordinance.

Sec. 13. Codification of ordinances.

Any or all ordinances of the city which have been enacted and published in the manner required at the time of their adoption, and which have not been repealed, ~~shall~~ MAY be compiled, consolidated, revised, indexed and arranged as a comprehensive ordinance code, and such code may be adopted by reference, with the same effect as an ordinance, by the passage of any ordinance for such purpose. Such code need not be published in the manner required for other ordinances but ~~not less than three~~ ONE (31) copies thereof shall be filed for use and examination by the public in the office of the city clerk prior to the adoption thereof.

Ordinances codified shall be repealed as of the effective date of the code ~~AMENDMENTS~~. Amendments to the code shall be enacted in the same manner as ordinances.

ARTICLE 8. CONTRACTS (BACK TO TOP)

Sec. 1. Preparation.

All contracts shall be executed in the name of the City of Scottsdale by the mayor, except as it may be otherwise provided either by this charter, or by law, OR BY ORDINANCE OR RESOLUTION OF THE CITY COUNCIL. and CONTRACTS EXECUTED BY THE MAYOR AUTHORIZED THROUGH COUNCIL ACTION must be countersigned by the city clerk, who shall number and register the same in a book kept for that purpose.

Sec. 2. Contracts for city improvements.

The city may contract for city improvements as provided by law. When required, all such contracts shall be executed in writing and shall be awarded to the lowest responsible bidder after public notice and competition unless the council rejects all bids.

Sec. 3. Purchases and bids.

The city council shall by ordinance specify the conditions and procedures that shall apply when formal bidding is required, when informal bidding is required, and when no bidding is required, for all goods and services contracted for by the city.

Sec. 4. Transfer of property.

The city manager may transfer to or between offices, departments and agencies supplies, materials and equipment, subject to such regulations as the council may prescribe.

Sec. 5. Fraud and collusion.

Any member of the council or any officer or employee of the city who shall aid or assist a bidder in securing a contract to furnish labor, material, equipment, supplies or services at a higher price than proposed by any other bidder, or who shall favor one bidder over another by giving or withholding information or who shall willfully mislead any bidder in regard to the character of the labor, material, equipment, supplies or services called for, or the conditions under which the proposed work is to be done, or who shall knowingly accept materials, supplies, or equipment of a quality inferior to those called for by any contract, or who shall knowingly certify to a greater amount of labor or service performed than has been actually performed or to receipt of a greater amount or different kind of material, supplies, or equipment than was actually received, shall be guilty of a misdemeanor and upon conviction thereof shall be removed from office.

Sec. 6. Conflict of interest.

All elected and appointed officers of the city, including members of boards and commissions; whether established by charter, ordinance, resolution, state constitution or statute; and all city employees shall be subject to the conflict of interest laws of the state of Arizona.

Sec. 7. Sale or transfer of interests in city property.

The city council shall, by ordinance, specify the conditions and procedures that shall apply when formal bidding is required, when informal bidding is required, and when no bidding is required for leasing, selling, or disposing of other interests in city real or personal property in a manner provided by law.

Sec. 8. Preserve land designation.

To establish a mountain and desert preservation heritage for present and future citizens of the city, the council may designate as preserve land any land owned by the city which is suitable for mountain or desert preservation. The council shall designate preserve land by resolution. Land

purchased directly with the proceeds of a tax specifically authorized by the electors for purchase of preserve land shall be deemed designated as preserve land upon the city's acquisition. Land that may be designated as preserve land is any land owned by the city in fee title and any other real property interest which gives the city possession or use of land or power to cause land to be left in its natural condition.

Sec. 9. Permanent designation.

A preserve land designation shall be perpetual unless that designation is removed as provided in this charter.

Sec. 10. Encumbrance of preserve land.

The city shall not convey ownership or grant any easement, lease, lien or other real property interest in any land designated as preserve land.

Sec. 11. Removal of preserve land designation.

The council may remove the preserve designation from any parcel of land less than one (1) acre in area. Such removal shall be limited to a maximum of six (6) parcels within any one (1) calendar year. Such removal shall not become effective until sixty (60) days after an affirmative vote of two-thirds (2/3) of all members of the council and after resolution of any referendum concerning such removal. Removal of the preserve designation from any other parcel of land shall require approval by an affirmative vote of two thirds (2/3) of all members of the council, but shall not become effective unless submitted by the council to the electors and approved by vote of the majority of votes cast at the election.

ARTICLE 9. ELECTIONS (BACK TO TOP)

Sec. 1. Permitted types of election.

Elections to be held in the city shall be either ~~general, run-off~~ PRIMARY, GENERAL or special elections.

(a) ~~General~~ PRIMARY elections shall be held for the purpose of electing officers of the city and determining whether a ~~run-off~~ GENERAL election is necessary. IN THE EVENT THAT NO MORE THAN TWO CANDIDATES FILE NOMINATING PETITIONS FOR EACH VACANCY IN OFFICE, THE PRIMARY ELECTION MAY BE DISPENSED WITH AS TO THAT OFFICE.

(b) ~~Run-off~~ GENERAL elections shall be held when any elected offices remain unfilled after the ~~general~~ PRIMARY election.

(c) All other municipal elections that may be held by authority of this charter, or of any other law, shall be known as special elections and may, at the discretion of the city council, be conducted concurrently with a ~~general, run-off~~ PRIMARY, GENERAL or any other election authorized by law.

Sec. 2. Qualifications of electors; registration.

The qualifications of electors shall be as required by the constitution and laws of this state for state, county and city electors. Registration of voters shall be as required by the laws of this state and the register of qualified electors shall be compiled from the general county register.

Sec. 3. Arrangement of names not to reveal source of candidacy or support of candidates.

The names of the candidates for each office shall be arranged as provided by law and nothing on the ballot shall be indicative of the source of the candidacy or of the support of any candidate.

Sec. 4. Time of holding ~~general~~ PRIMARY elections.

~~General~~ PRIMARY elections shall be held in even numbered years on the first calendar date authorized by the state law establishing mandatory election dates. If there is no such law, or if the state law is made optional or is determined not to be mandatory for charter cities, the ~~general~~ PRIMARY election shall be held on the third Tuesday in February. ~~Run-off~~ GENERAL elections, if necessary, shall be held following ~~general~~ PRIMARY elections on the second calendar date authorized by the state law establishing mandatory election dates. If there is no such law, or if the state law is made optional or is determined not to be mandatory for charter cities, the ~~run-off~~ GENERAL shall be held on the fourth Tuesday in March.

Sec. 5. Majority to elect in ~~general~~ PRIMARY.

Any candidate who shall receive at the ~~general~~ PRIMARY election, the number of votes constituting a majority of all of the ~~ballots~~ LEGAL VOTES cast IN THAT CANDIDATE'S RACE, shall be declared to be elected to the office for which he is a candidate, and no further elections shall be held as to said candidate. A "LEGAL VOTE" MEANS A VOTE ACTUALLY CAST IN THAT CANDIDATE'S RACE AND EXCLUDES BALLOTS AND OTHER VOTES THAT WERE NOT ACTUALLY CAST IN THAT RACE. ~~Provided that if more candidates receive the number of votes constituting a majority of all of the ballots cast than there are offices to be filled, then those candidates, equal in number of the offices to be filled, receiving the highest number of votes shall be declared to be elected.~~

THE MAJORITY OF VOTES CAST SHALL BE DETERMINED BY DIVIDING THE TOTAL NUMBER OF LEGAL VOTES CAST IN EACH CANDIDATE'S RACE BY THE NUMBER OF

SEATS TO BE FILLED, DIVIDING THAT NUMBER IN HALF, AND ROUNDING TO THE NEXT HIGHEST WHOLE NUMBER.

IF MORE CANDIDATES THAN THERE ARE OFFICES TO BE FILLED RECEIVE THE NUMBER OF VOTES CONSTITUTING A MAJORITY OF ALL OF THE LEGAL VOTES CAST, THEN THOSE CANDIDATES, EQUAL IN NUMBER TO THE NUMBER OF OFFICES TO BE FILLED, RECEIVING THE HIGHEST NUMBER OF LEGAL VOTES SHALL BE DECLARED TO BE ELECTED.

Sec. 6. ~~Run-off~~ GENERAL election.

If at any ~~general~~ PRIMARY election there be any office or offices to which no candidate therefor was elected, then a ~~run-off~~ GENERAL election shall be held to elect candidates to fill such office or offices. The candidates not elected at the ~~general~~ PRIMARY election, equal in number to twice the number to be elected to any given office, or less if so there be, and who received the highest number of votes for the respective offices at the ~~general~~ PRIMARY election, shall be the only candidates at the ~~run-off~~ GENERAL election; provided, that if there be any person who under the provisions of this section would have been entitled to become a candidate for any office, except for the fact that some other candidate received an equal number of votes therefor, then all such persons receiving said equal number of votes shall likewise become candidates for such office.

Sec. 7. Candidates receiving most votes to be elected.

The candidates, equal in number to the persons to be elected, who shall receive the highest number of votes at a ~~run-off~~ GENERAL election shall be declared elected to such office. In any cases of ties, the decision as to winner shall be determined by lot.

Sec. 8. Special elections.

Subject to the requirements of any state election laws that may apply, the council shall provide the time, manner and means of holding any special election, provided that no election shall be called less than thirty (30) days following ~~publication in the official newspaper of the city~~ PUBLIC NOTICE AS REQUIRED BY STATE LAW OR ORDINANCE. All special elections shall be conducted in the same manner and under the same provisions as are provided for the holding of general elections.

ARTICLE 10. INITIATIVE, REFERENDUM AND RECALL

Sec. 1. Initiative, referendum and recall.

There is hereby reserved to the electors of the city the powers of the initiative and referendum and of the recall of elective officers. The provisions of the constitution and general laws of the state, as the same now exist or hereafter may be amended, governing the initiative and referendum and recall of elected officers shall apply in the city.

No ~~initiative measure, however, may change or alter, or remove or limit, any power, right, duty, privilege or immunity conferred by or established by this charter, and no~~ initiative measure which in any way conflicts with a provision of this charter or responsibilities conferred by it, shall, to the extent of such conflict, be operative **WITHOUT A CORRESPONDING AMENDMENT TO THIS CHARTER**. All city matters on which the council is or shall be empowered to legislate may be submitted by the council, of its own motion, to the electors for adoption or rejection at a general or special election in the same manner and with the same force and effect as matters submitted on petition.

ARTICLE 11. CITY COURT (BACK TO TOP)

Sec. 1. Establishment.

There shall be and is hereby established in the city a municipal court, to be known and designated "The City Court of Scottsdale, Maricopa County, State of Arizona", AS A SEPARATE JUDICIAL BRANCH OF CITY GOVERNMENT.

Section 2. City judge; appointment; term; judges pro tempore.

The city judge shall be the presiding ~~officer~~ JUDGE of the city court, SHALL EXERCISE ADMINISTRATIVE SUPERVISION OVER THE CITY COURT, shall be a duly licensed attorney in the State of Arizona AND shall be selected in a manner provided by ordinance and shall serve for a period of two (2) years. He shall receive such compensation as provided by the city council and may be removed by them for cause. The city council may appoint judges pro tempore as deemed necessary. THE INITIAL TERM OF A PRESIDING JUDGE SHALL BE FOR TWO (2) YEARS. SUBSEQUENT REAPPOINTMENTS OF THE PRESIDING JUDGE SHALL BE FOR TERMS TO BE DETERMINED BY ORDINANCE, BUT IN ANY EVENT FOR NOT LESS THAN TWO YEARS. ADDITIONAL CITY JUDGES AND JUDGES PRO TEMPORE MAY BE APPOINTED TO THE CITY COURT IN A MANNER PROVIDED BY ORDINANCE. THE CITY COUNCIL SHALL DETERMINE THE COMPENSATION TO BE PAID TO ALL CITY JUDGES, INCLUDING THE PRESIDING JUDGE, AND MAY REMOVE THEM FOR CAUSE.

Sec. 3. Ordinances to give effect.

The council shall pass all necessary ordinances to give effect to the provisions of this article, not otherwise herein provided. THE PRESIDING JUDGE SHALL PROPOSE AND ADMINISTER THE COURT'S BUDGET CONSISTENT WITH CITY BUDGET AND FINANCE ORDINANCES AND POLICIES.

ARTICLE 12. FRANCHISE AND PUBLIC UTILITIES (BACK TO TOP)

Sec. 1. Franchises.

A person desiring to obtain a franchise to operate a public utility from this city shall present the franchise desired to the city council of the city and it shall be filed among its records. If the council deems the granting of the franchise beneficial to the city, it shall pass a resolution, ~~to be spread upon its record~~ stating that fact, and shall submit the question to the qualified voters, as to whether or not the franchise shall be granted, at the following regular election held in the city or at a special election called for that purpose.

~~The proposed franchise shall be published in full in the official newspaper of the city once a week for four (4) consecutive weeks prior to the election, or as otherwise provided by law, and the cost of same, together with the election expenses shall be paid by the applicant for such franchise~~ THE PROPOSED FRANCHISE SHALL BE PUBLISHED PRIOR TO THE ELECTION ~~IN ACCORDANCE WITH AS REQUIRED BY STATE LAW OR ORDINANCE.~~

Sec. 2. Establishment of municipally owned and operated utilities.

The city shall have the power to own and operate any public utility, to construct and install all facilities that are reasonably needed, and to lease or purchase any existing utility properties used or useful to public service. The city may also furnish service to adjacent and nearby territories which **ARE NOT SERVED BY A PRIVATELY OWNED UTILITY AND WHICH** may be conveniently and economically served by the municipally owned and operated utility, subject to the limitations of the provisions of the general laws of this state. The council may provide by ordinance for the establishment of such utility and provide for its regulation and control and the fixing of rates to be charged. The council may by ordinance provide for the extension, enlargement or improvement of **AN** existing utility, and provide reasonable reserves for such purpose. **BEFORE PASSING AN ORDINANCE OR TAKING ANY OTHER ACTION TO ACQUIRE PRIVATE UTILITY PROPERTY THROUGH EMINENT DOMAIN, THE CITY MUST OBTAIN A FINAL ORDER FROM THE ARIZONA CORPORATION COMMISSION FINDING AND DETERMINING THAT THE PRIVATE UTILITY IS UNABLE OR UNWILLING TO PROVIDE ADEQUATE SERVICE.**

Sec. 3. Establishment of classifications and regulations of rates of public utilities.

The city shall have full power to and may prescribe just and reasonable classifications to be used and just and reasonable rates and charges to be made and collected by all corporations rendering public utility service within the corporate limits of the City of Scottsdale as now or hereafter constituted, except public service corporations as such corporations are defined and the regulation thereof delegated to the Arizona Corporation Commission by article XV, section 2, Arizona Constitution.

The city council may establish such boards as are necessary and convenient to discharge its duties pursuant to this enactment. The powers hereby conferred shall be exercised by the city council pursuant to ordinance providing for hearings and investigations and establishing procedures to be followed in determining and fixing fair value of any such utility property and a reasonable rate of return and providing for suitable penalties, civil and criminal, for violation of any lawful order or requirement made or imposed pursuant to any regulatory ordinance or in furtherance of any regulatory investigation.

ARTICLE 13. GENERAL PROVISIONS ([BACK TO TOP](#))

Sec. 1. Publicity of records.

All records and accounts of every office, department or agency of the city shall be open for inspection by any citizen, any representative of a citizen's organization or any representative of the press at all reasonable times ~~and under reasonable regulations established by the city council, except records and documents the disclosure of which would tend to defeat the lawful purpose which they are intended to accomplish~~ PURSUANT TO ALL APPLICABLE LAWS.

Sec. 2. Official bonds.

All elected and appointed officers and such other employees as the council may by ordinance or resolution require to do so, shall give bond in such amount and with such surety as may be approved by the council; the premium on such bonds to be paid by the city.

Sec. 3. Oath of office.

Every officer of the city, whether elected or appointed under the provisions of this charter, or under any ordinance of the city shall, before entering upon the duties of his office, take and subscribe an oath required by the state constitution.

Sec. 4. Short title.

This charter, adopted by the people of the City of Scottsdale, shall be known and may be cited as the Charter Form of Government of the City of Scottsdale.

Sec. 5. Plenary and implied powers of the council.

The council shall have plenary power to enact and make all proper and necessary ordinances, resolutions and orders to carry out and give effect to the express, as well as the implied powers granted in this charter, to the end that a complete, harmonious, and effective municipal government may be initiated, installed, operated and maintained in the city, and thereby protect and safeguard the rights, interests, safety, morality, health and welfare of the city and its inhabitants.

ARTICLE 14. SUCCESSION IN GOVERNMENT (BACK TO TOP)

Sec. 1. Rights of officers and employees preserved.

Nothing in the charter contained, except as specifically provided, shall affect or impair the rights or privileges of officers or employees of the city or of any office, department, or agency existing at the time when this charter shall take effect, or any provision of law in force at the time when the charter shall take effect and not inconsistent with the provisions of this charter, in relation to the personnel, appointment, rank, grade, tenure of office, promotion, removal, pension and retirement rights, civil rights or any other rights or privileges of officers or employees of the city or any office, department or agency.

Sec. 2. Continuance of present officers.

All persons holding executive and administrative office at the time this charter takes effect shall continue in office and in the performance of their duties until provisions shall have been made in accordance therewith for the performance of such duties or the discontinuance of such duties.

Sec. 3. Continuance of present offices, departments and agencies.

Any office, department or agency provided for in this charter to be named or with powers and duties the same or substantially the same as those heretofore existing, shall be deemed a continuation of such office, department or agency and shall have powers to continue any business proceedings or other matters within the scope of the powers and duties prescribed by the charter. Any office, department or agency not provided for in this charter, heretofore existing, shall continue to exercise powers and duties as the same were heretofore exercised and shall have the power to continue any business proceedings or other matters within the scope of its regular powers and duties until such office, department or agency shall be changed or abolished by the council as heretofore provided in this charter.

The powers conferred and the duties imposed upon any office, department or agency of the city by the laws of this state shall, if such office, department or agency be abolished by this charter or under its authority, be thereafter exercised and discharged by the office, department or agency designated by the council, unless otherwise provided herein.

Sec. 4. Continuance of appointive boards and commissions.

All appointive boards and commissions, heretofore existing, shall continue and shall exercise such powers and duties as were granted them until such boards and commissions shall be changed or abolished by the council as heretofore provided in this charter.

Sec. 5. Transfer of records and property.

All records, property and equipment whatsoever of any office, department or agency or part thereof, all the powers and duties of which are assigned to any other office, department or agency by this charter, or under its authority shall be transferred and delivered to the office, department or agency to which such powers and duties are so assigned.

Sec. 6. Continuance of contracts.

All contracts entered into by the city prior to the taking effect of this charter, shall continue in full force and effect.

Sec. 7. Pending actions and proceedings.

The adoption of the charter shall not abate or otherwise affect any action or proceeding, civil or criminal, pending when it takes full effect, brought by or against the city or any office, department, agency, or officer thereof.

Sec. 8. Ordinances to remain in force.

All ordinances, resolutions and regulations of the city in force at the time of this charter taking effect, and not inconsistent with the provisions thereof, are hereby continued in force until the same shall be duly amended or repealed.

Sec. 9. Inauguration of government under this charter.

If a majority of the qualified electors of the city, voting on the question, vote to ratify this charter, the provisions of this charter shall go into effect for all purposes immediately upon the approval of the governor as provided by the constitution of this state.

ARTICLE 15. GENDER ([BACK TO TOP](#))

Sec. 1. Gender.

Wherever the context of this instrument so requires, words used in the masculine gender include the feminine and neuter; the singular number includes the plural, and the plural the singular; the word person includes a corporation, company, partnership or association, or society, as well as a natural person.

ARTICLE 16. AMENDMENTS ([BACK TO TOP](#))

Sec. 1. Method of amendment.

This charter, or any part or article or section thereof, may be amended in the manner provided by the constitution of this state.